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Portland Police Bureau

CASE NUMBER
GO 42 2017-8113

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GENERAL OFFENSE

REPORTED DATE/TIME 01/09/2017 0552		OCCURRED DATE/TIME 01/09/2017 0552		REPORTING OFFICER/DEPUTY NAME & # RAPHAEL, JUSTIN M (52780)	
LOCATION OF INCIDENT 9100 SE POWELL BLVD, PORTLAND					PLACE MCDONALDS POWELL BLVD _92ND
COUNTY MULTNOMAH		DISTRICT EA		BEAT 971	GRID 44085
SEVERITY	FAMILY VIOLENCE NO	GANG INVOLVEMENT	BIAS NONE (no bias)	SPECIAL STUDY	
RELATED INCIDENT NUMBERS CP 42 2017-8113					
TOTAL LOSS		TOTAL RECOVERED		DAMAGED TOTAL	
CLEARANCE STATUS NOT APPLICABLE			EXCEPTIONAL CLEARANCE NOT APPLICABLE		
DATE/TIME CLEARED 01/20/2017		CLEARED BY -			
INTERNAL STATUS REFERRED - CITY ATTN OR PROSECUTING ATTN			APPROVED BY WARREN, KEVIN D (23188)		APPROVED ON 01/20/2017

OFFENSES [2]

OFFENSE DEATH INVESTIGATION	PREMISE TYPE Street/Highway/Road/Alley/Sidewalk
OFFENSE MENTAL/EMOTIONAL ASSISTANCE RE	PREMISE TYPE Street/Highway/Road/Alley/Sidewalk

PERSON - W/KNOWLEDGE #1

NAME (LAST, FIRST MIDDLE) SOLIS, JOSE		SEX MALE	RACE HISPANIC OR LATINO	DOB [REDACTED]	AGE 64
HOME ADDRESS - STREET, CITY ZIP [REDACTED]			HEIGHT 5'5	WEIGHT 150	HAIR COLOR BLACK
			EYES BROWN		
HOME PHONE [REDACTED]	CELL PHONE [REDACTED]	WORK PHONE	EMAIL ADDRESS		
DRIVERS LICENSE (STATE) [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	POB Mexico--Use only when state is unknown	ETHNICITY UNKNOWN		

PERSON - W/KNOWLEDGE #2

NAME (LAST, FIRST MIDDLE) [REDACTED]		SEX MALE	RACE WHITE	DOB	AGE
HOME ADDRESS - STREET, CITY ZIP			HEIGHT	WEIGHT	HAIR COLOR
			EYES		
HOME PHONE	CELL PHONE	WORK PHONE	EMAIL ADDRESS		
DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY		

PERSON - W/KNOWLEDGE #3

NAME (LAST, FIRST MIDDLE) [REDACTED]		SEX FEMALE	RACE WHITE	DOB	AGE
HOME ADDRESS - STREET, CITY ZIP			HEIGHT	WEIGHT	HAIR COLOR
			EYES		
HOME PHONE	CELL PHONE	WORK PHONE [REDACTED]	EMAIL ADDRESS		
DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER	POB	ETHNICITY		

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PERSON - W/KNOWLEDGE #4										
NAME (LAST, FIRST MIDDLE) SHAPPELL, THOMAS					SEX MALE	RACE WHITE			DOB	AGE
HOME ADDRESS - STREET, CITY ZIP					HEIGHT	WEIGHT	HAIR COLOR		EYES	
HOME PHONE	CELL PHONE		WORK PHONE [REDACTED]			EMAIL ADDRESS				
DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER		POB			ETHNICITY				
PERSON - DECEASED #1										
NAME (LAST, FIRST MIDDLE) [REDACTED] BABY					SEX MALE	RACE UNKNOWN			DOB 01/09/2017	AGE 0
HOME ADDRESS - STREET, CITY ZIP					HEIGHT	WEIGHT	HAIR COLOR		EYES	
HOME PHONE	CELL PHONE		WORK PHONE			EMAIL ADDRESS				
DRIVERS LICENSE (STATE)	SOCIAL SECURITY NUMBER		POB			ETHNICITY				
PERSON - UNIDENTIFIED DECEASED #1										
PERSON DETAILS:										
Sex :		MALE								
Race :		ASIAN								
Age Range :		1 - UNDER 24 HOURS								
POSSIBLE ADDRESS(ES):										
ADDITIONAL REMARKS:										

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NARRATIVE

AUTHOR RAPHAEL, JUSTIN M (52780)	DATE/TIME 01/09/2017 0740
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SUBJECT
DEATH INVESTIGATION

Ofc Madison #52674 (Partner)
Ofc Goldring 47562 (Cover)
Sgt Hughes #34619 (On scene)
K9 Ofc Dorn #29094 (Cover)

On 01/09/2017 at approximately 0553 hours Ofc Madison and I were dispatched to assist medical personnel on a call in the 9100 block of SE Powell. The text of the call stated "AT BUS STOP XST, F HERE W/ BABY THAT WAS DELIVERED IN THE LAST FEW HOURS SEE RELATED FIRE CALL RP17-2607" The following updates were provided:

"WILL BE A TRANSIENT F W/A SHOPPING CART, ADULT F, CONSC, BR OK, BABY BORN AT 1800 HRS LAST NIGHT, HASNT BEEN TO THE HOSPITAL AT ALL,"

"BABY IS ICE COLD... STARTING POLICE"

"MOM IS ██████████, BABY WAS BORN IN A TRANSIENT CAMP NEAR CHUCK E CHEESE"

"BABY IS CONSC AND BR OK, BUT HAS BEEN OUTSIDE THIS ENTIRE TIME"

"ORIG COMP WAS PSBI, SPOKE W/MOM WHO DISCONNECTED BEFORE GIVING PHONE BACK"

K9 Ofc Dorn and Sgt Hughes arrived on scene prior to Ofc Madison and I arriving. Just before we reached the scene Sgt Hughes directed us to follow the transporting ambulance (M315) to OHSU. Ofc Madison and I were able to intercept the ambulance at SE 82nd/ SE Powell and follow it Code 3 to OHSU.

Once at OHSU Ofc Madison and I observed the mother of the child, (SUBJECT) ██████████ and the unnamed male child, be transported from the ambulance to the OHSU emergency room. ██████████ was separated from the newborn and waited nearby while the newborn was admitted to the pediatric emergency room. Medical personnel immediately began life saving efforts on the newborn.

While OHSU staff was attempting their life saving efforts I spoke with ██████████ about what was going on. Within seconds of speaking to ██████████ it was immediately clear to me that she was very mentally ill. ██████████ could not focus on anything I asked her and provided extremely unreasonable responses to very straight forward questions. For example, when I asked ██████████ for her address she responded "Marshall High School". When I asked her what ethnicity she claimed she told me "South American, Native American, European, but I'm also bionic." ██████████ then proceeded to wiggle her thumb around and claimed that the thumb was "bionic and full of motor oil".

I tried to focus ██████████ attention on the details surrounding the birth and what preceded it, which ██████████ struggled with. ██████████ claimed that she had gotten pregnant via "the miracle of immaculate conception" and told me that there was no father. When I asked ██████████ where exactly the birth occurred she told me "the bus stop" then she said "under a bridge" then she corrected herself and again said "the bus stop". When I asked ██████████ why she didn't immediately

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seek medical attention for herself or the newborn she shrugged and said "I am medicine, I didn't need it."

Around this time OHSU personnel notified me that they were going to cease life saving efforts on the newborn and needed to notify [REDACTED]. The two doctors in charge of the effort, Dr. [REDACTED] and Dr. [REDACTED], pulled [REDACTED] into a separate room to notify her of what was happening. When the doctors delivered the news [REDACTED] displayed an extreme indifference and showed no emotional reaction. The doctors asked [REDACTED] if she wanted to "say goodbye to her son" and [REDACTED] shrugged then said "Nope, I don't need to." The doctors appeared stunned and asked her several more times in order to confirm her decision and each time [REDACTED] appeared extremely indifferent to the news. At one point [REDACTED] even began to lecture the doctors about how the human heart functions. The doctors asked one last time if [REDACTED] wanted to say goodbye or even be in the room when her son died and she told them no.

I accompanied the doctors back to the newborn's room and they ceased their efforts. The newborn was pronounced dead at 0641 hours.

I notified Sgt Hughes about all the developments and he made notifications. Homicide and CAT detectives decided to respond to the scene to take over the investigation. During our conversation Sgt Hughes told me that he, Ofc Goldring, and K9 Ofc Dorn were unable to locate any sort of "birthing" scene or area of evidentiary value.

Ofc Madison notified DHS of the situation and agent Angela Tyler was assigned the case. A copy of this report was emailed to her at her request.

Detective Slater arrived at OHSU and I briefed him on the case. Ofc Madison and I cleared the scene once Detective Slater had been briefed.

Please see other responding officers reports for further.

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FOLLOWUP REPORT #1				
ASSIGNED TO WARE, PAUL D (37137)		RANK		
ORG UNIT FORENSICS:		CAPACITY 2-FORENSIC UNIT PROCESSING		
ASSIGNED ON 01/09/2017	ASSIGNED BY WARE, PAUL D	SUBMITTED ON 01/09/2017	APPROVED ON 01/09/2017	APPROVED BY MCMURRAY, SHAWNDA L
NARRATIVE				
AUTHOR WARE, PAUL D (37137)			DATE/TIME 01/09/2017 1055	
SUBJECT PHOTO'S OF INFANT				
<p>On 01-09-17, I was sent to the OHSU Pediatric Unit to take digital photo's of a deceased newborn infant that was brought in via ambulance.</p> <p>Det. Mark Slater is the assigned investigator, and he requested overall photo's of the infant that was on a hospital crib. I did not gather any evidence after consulting with Det. Slater.</p> <p>The photo's were uploaded into the PPB DIMS computer for archiving.</p>				

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ASSIGNED TO HARLEY, ROBERT S (42860)		RANK DETECTIVE		
ORG UNIT FAMILY SERVICES: CHILD ABUSE TEAM		CAPACITY 1-INVESTIGATOR, LEAD		
ASSIGNED ON 01/09/2017	ASSIGNED BY HARLEY, ROBERT S	SUBMITTED ON 01/18/2017	APPROVED ON 01/20/2017	APPROVED BY WARREN, KEVIN D

NARRATIVE

AUTHOR HARLEY, ROBERT S (42860)		DATE/TIME 01/09/2017		
SUBJECT (DECEASED #1) [REDACTED] BABY Jan-				

ACTION TAKEN:

On 01/09/2017 I was assigned by CAT Sergeant Snyder to respond to OHSU Emergency Room in regards to the report a female had given birth to a child in a Trimet bus shelter and that the child was deceased. Prior to leaving for OHSU I ran the female, identified as [REDACTED] in RegJin and found several Police contacts including arrests for assault and disorderly conduct. Upon my arrival at OHSU I met with PPB Detective Slater who told me he had just spoken with the Medical Examiner's Office and learned this had been determined to be a stillbirth, and there would be no involvement of the ME's Office and no autopsy. I was also informed by Hospital Staff that [REDACTED] would be committed for long term evaluation.

I called and spoke with Jose Solis, the passerby who found [REDACTED] in the bus shelter and called 911. According to Jose Solis, he arrived at the bus shelter at about 5:40 am this morning and noticed a female present with a shopping cart. Jose Solis told me he noticed the female was looking at him and so he asked her if she was alright. Jose Solis told me the female answered "no" and he saw then through the shopping cart she was barefoot, and her pants were down at her ankles despite the cold weather. Jose Solis told me the female then told him she had just had her baby but Solis said he told the female he didn't believe her and asked to see the baby. Jose Solis told me the female lifted her coat and he saw what he believed to be the top of the baby's head. Jose Solis told me he told the female to cover up the baby and he called 911.

I asked Jose Solis if he heard the baby cry or saw it move at any time and he told me "no". Jose Solis he thought it was strange the baby was not crying and that the newborn was outside on such a cold morning and that was what prompted him to call 911. Jose Solis told me he did not know who the female was though told me that after he called 911, she told him she was holding some marijuana and asked him to take it from her and said he told her "no". Solis told me he went to work after seeing that Fire, AMR and Police and taken care of the female.

I then went in and spoke with [REDACTED] I asked [REDACTED] what she could tell me about the birth of her child and she told me the last time she knew of was 6pm on the previous day and thought it had been on Sunday, but then said that it was on Monday. I asked [REDACTED] if she had a residence or was houseless and she told me she is houseless. I asked [REDACTED] if she had any family in the area and she told me "no", and also that she has no phone. I asked [REDACTED] if she knew she was pregnant and she told me she knew she was, but "not anytime soon". [REDACTED] told me she had planned to have sextuplets but not until she gets married. [REDACTED] told me there is no father because this was her "miracle baby", [REDACTED]

I then spoke with Pediatric ER Doctor [REDACTED]. I wanted to speak with the Doctor who determined [REDACTED] baby was stillborn. According to Dr [REDACTED], he did not say the child was stillborn. Dr [REDACTED] told me the child appeared to "be viable" and that [REDACTED] had told him she had begun labor contractions at about 6pm last night and had given birth around 4am this morning and that the child was moving initially. Dr [REDACTED] told me it appeared to him the child was born at about 32 weeks. Dr [REDACTED] told me he had not spoken with anyone from the Medical Examiner's Office, and that it was the Administrator On Duty (AOD) who would have had that conversation. I asked that the AOD be contacted so I could interview them.

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I met and spoke with Dr [REDACTED] who told me when the child was brought in by AMR, OHSU Staff continued CPR and resuscitative efforts for 25 minutes. Dr [REDACTED] said she never told the Medical Examiner's Office [REDACTED] child was stillborn.

I then called and spoke with ME Tom Chappell and explained I could not find a Doctor at OHSU who would acknowledge stating this was a stillbirth and while I did not see, nor was I told of anything suspicious, I was concerned about an apparent gap in the information coming from the hospital staff. ME Chappell agreed and told me he would send someone down to pick up the child and he would call me after Dr [REDACTED] decided whether an autopsy was appropriate.

ACTION RECOMMENDED:
Pending decision by ME's office

NARRATIVE

AUTHOR HARLEY, ROBERT S (42860)	DATE/TIME 01/18/2017
SUBJECT (DECEASED #1) [REDACTED] BABY Jan-	

ACTION TAKEN:

On 01/17/2017 I called and spoke with Deputy Medical Examiner Tom Chappelle after I learned the autopsy on the [REDACTED] baby had been performed. ME Chappelle told me Doctor [REDACTED] had performed the autopsy on 01/11/2017 and determined the baby was stillborn and there was no evidence the child had ever taken a breath.

On 01/17/2017 I sent a request to Patrick Jones at BOEC and requested copies of the 911 tapes. I will review the tapes before concluding this investigation. There are notes in the CAD that indicate someone stated the baby was conscious and breathing. However Jose Solis told me he saw no sign the baby was moving and heard no crying. Mr Solis also told me that Dispatch was asking him questions about [REDACTED] he could not answer (having never met her before) so he handed [REDACTED] his phone to speak directly with Dispatch. It is possible the comment about the baby breathing and being conscious came from her. I will confirm this when I listen to the recording.

ACTION RECOMMENDED:
Pending further investigation.

ACTION RECOMMENDED

AUTHOR HARLEY, ROBERT S (42860)	DATE/TIME 01/18/2017
SUBJECT (DECEASED #1) [REDACTED] BABY Jan-	

ACTION TAKEN:

On 01/09/2017 I was assigned to respond to OHSU in regards to a newborn baby which had died. The child was reportedly born to [REDACTED], who lives in a homeless camp near the Chuck E Cheese 92nd and SE Powell. Upon my arrival I was informed by PPB Detective Slater that the Medical Examiner's Office had been informed by Emergency Room Staff the child was stillborn and would not be involved in the investigation. I was told by an ER Nurse that [REDACTED] [REDACTED]

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I spoke with the passer-by who called Dispatch, Jose Solis, who told me he never saw the baby moving and had not heard any crying, but had been concerned because [REDACTED] was barefoot, poorly dressed and out in the cold with a newborn. I then spoke with [REDACTED] who was not able to provide me with useful details [REDACTED].

I then spoke with Doctor [REDACTED] who told me [REDACTED] had told him she had begun having contractions around 6pm the previous evening and that the baby had been moving initially when born. Dr [REDACTED] told me the baby appeared to him to have been 32 weeks when born and that it had been "viable". I asked Dr [REDACTED] if he had spoken with the Medical Examiner's Office and told them the baby had been stillborn and he told me he had not. I asked Dr [REDACTED] who had spoken with the ME and he told me it had been the Administrator on Duty, [REDACTED].

I spoke with Dr [REDACTED] and she told me she had not told the ME the baby was stillborn, and had explained when AMR brought the baby into the hospital, they had continued resuscitative efforts for 25 minutes.

I called Deputy Medical Examiner Tom Chappelle and explained the hospital was denying ever saying the baby was stillborn and he agreed he would send a team to transport the baby. I was told I would be advised of when the autopsy would occur so I could attend. On 01/17/2017 I called and spoke with Deputy ME Tom Chappelle and he told me Dr [REDACTED] had performed the autopsy on Baby [REDACTED] 01/11/2017 and confirmed it was a stillbirth, and no indication the baby ever took a breath following birth.

On 01/18/2017 I received the BOEC 911 recordings of the call as well as the BOEC printout. I noticed an entry at 05:53 where it was typed "Baby is conscious and breathing ok, but has been outside this entire time". I read through the BOEC printout and saw there was no Police or Fire onscene until 05:57. I listened to the recordings several times but what I could hear was Jose Solis say when asked if the baby was breathing "I think its breathing, she has it wrapped". [REDACTED] is asked if the baby is breathing ok but her response is garbled and sounds if she says its cold out and needs an ambulance. [REDACTED] is asked if the baby's lips are turning blue and she says "no, not blue at all". Though it is garbled, I believe [REDACTED] says she "wanted an ambulance for him, ...its really cold out".

ACTION RECOMMENDED:

Refer to DA's Office for information and review.

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FOLLOWUP REPORT #3				
ASSIGNED TO DORN, JEFFREY P (29094)		RANK		
ORG UNIT TRAFFIC: CANINE UNIT		CAPACITY 1-PATROL SUPPLEMENTAL		
ASSIGNED ON 01/09/2017	ASSIGNED BY DORN, JEFFREY P	SUBMITTED ON 01/09/2017	APPROVED ON 01/09/2017	APPROVED BY LOVATO, DOMINIC
MENTIONED OFFICERS				
AUTHOR DORN, JEFFREY P (29094)			DATE/TIME 01/09/2017 0640	
SUBJECT ADDITIONAL OFFICERS				
Ofc. J. Raphael #52780, D. Madison #52674, 978 - Primary see G.O. Sgt. B. Hughes #34619, 3920				
NARRATIVE				
AUTHOR DORN, JEFFREY P (29094)			DATE/TIME 01/09/2017 0642	
SUBJECT WITNESS STATEMENT				
<p>While on routine patrol I self dispatched to a call that I was close to. A female caller was reportedly calling from a bus shelter on the North side of SE 91/Powell. She was reported to be a transient with a shopping cart and she had delivered a baby within the last several hours. I arrived at 0557 and PFB personnel and AMR were already onscene. The Female with newborn were already in the back of the ambulance. I never saw the child but was told that the baby appeared to still be in the placenta.</p> <p>There was a man in the bus shelter who stated that he was the person that assisted with calling 911 for the female. (ME) Mr. Solis said he had just walked from home to the bus stop. When he got to the bus stop he found the female in question shivering in the bus stop with her pants down. He asked her if she was okay and she replied "yes, but I just had my baby." Mr. Solis replied "No way, let me see it" as he did not believe her. She then revealed a portion of the babys head from under her coat. Mr. Solis immediately called 911 and passed the phone to the female to talk to the dispatchers.</p>				

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***** END OF HARDCOPY *****